

# **Guardianship Assistance Eligibility, Medical Subsidy and Extensions**

**Adoption & Guardianship Assistance Office**



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# What is Available?

The Adoption and Guardianship Assistance Office provides financial assistance and services through the following programs:

- Adoption Assistance
- Guardian Assistance Program (GAP)
  - Guardianship assistance
  - Guardianship extensions for youth who entered into the guardianship between the ages of 16 and 18.
  - Medical Subsidy

# Adoption and Guardianship Assistance Program

The purpose of the Adoption and Guardianship Assistance Program is to provide financial support to families who adopt or obtain guardianship through Michigan's public child welfare system.





# Juvenile Guardianship Assistance Program

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- The purpose of the guardianship assistance program is to provide financial support to ensure permanency for children who may otherwise remain in foster care until reaching the age of majority.
- In order to be eligible for the guardianship assistance program, the child must be in a licensed foster care home and meet the guardianship assistance program requirements.
- Program eligibility is **solely determined** by the Adoption & Guardianship Assistance Office.



# Permanency Goal

An application should not be submitted if the guardianship is not the child's current permanency goal. The only allowable permanency planning goals are the permanency goals recognized by the federal government. **The goals are in order of legal preference\*:**

- *Reunification; see FOM 722-07B, Permanency Planning - Reunification.*
- *Adoption; see FOM 722-07D, Permanency Planning - Adoption.*
- *Guardianship; see GDM 600, Juvenile Guardianship.*
- *Permanent Placement with a Fit and Willing Relative (PPFWR); see FOM 722-07F, Permanency Planning, Permanent Placement with a Fit and Willing Relative (PPFWR).*
- *Another Planned Permanent Living Arrangement (APPLA); see FOM 722-07F, Permanency Planning - Another Planned Permanent Living Arrangement (APPLA).*

Note: When guardianship is the primary goal neither reunification or adoption should be the concurrent goal.


*\*State plan approved requirement.*



“Guardianship” is a goal

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*“Subsidized Guardianship”*  
is **NOT!**



Each child should be assessed to determine which permanency goal is in their individual best interest. Their goal may differ from their siblings.



# GAP Eligibility

A child is eligible for the guardianship assistance program if all of the following requirements are met:

- ✓ The child was removed from his/her home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child
- ✓ The prospective guardian is a licensed foster parent
- ✓ The child has resided in the home of the prospective guardian for at least six consecutive months prior to the application for a juvenile guardianship assistance eligibility determination:
  - *Title IV-E funded eligibility = relative and child is eligible for IV-E foster care payments and the child has resided in the licensed relative home for 6 consecutive months after licensure.*
  - *State funded eligibility = relative or foster parent, child isn't eligible for IV-E foster care payments and the child has resided in the home for 6 consecutive months but doesn't require the 6 months to be after licensure, and*



# GAP Eligibility cont.

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- ✓ Child demonstrates a strong attachment to the prospective guardian, and
- ✓ Reunification and adoption must have been ruled out as appropriate permanency option and documented in the case service plan and court orders, and
- ✓ Guardian has a strong commitment to caring **permanently** for the child, and
- ✓ The child is strongly attached to the prospective guardian, and the guardian has a strong commitment to caring **permanently** for the child, and
- ✓ The child has been consulted about the guardianship arrangement if he/she is at least 14 years old and is in agreement.

[MCL 722.873]

# Examples of eligible cases

Two siblings, 9 and 11 years old, placed with a licensed relative for over six consecutive months.

- Both children have a positive relationship with their mother.
- Birth mother is unable to care for them, has MS and is in a nursing home.
- Reunification ruled out due to mother's MS and living situation.
- Adoption ruled out as the children have a strong attachment to their mother and through no fault of her own she is unable to care for them.

Seventeen year old placed with a foster family.

- Visits regularly with his birth parents and has a strong bond.
- His parents are unable to maintain appropriate housing, employment or reduce other barriers that brought the youth into care.
- The youth does not wish to be adopted and does not wish to return home.
- The youth has a strong attachment to the foster parent and the foster parents are willing to provide a permanent home for the youth and to facilitate visits.

# Examples of ineligible cases

- Two children, 9 and 11 years old.
  - Birth parents are not compliant with any services and are using substances.
  - Visitation is not consistent, parents are often inappropriate and therefore, visits are supervised within DHS office.
  - Both children act out after visitation and don't wish to attend.
  - Foster parent would like to adopt.
- Three children, 6 year old and 4 year old.
  - Relative licensed home.
  - Birth mother is not compliant with services, does not maintain contact with the agency, is not visiting and an infant died in her care.
  - Relative plans on returning the children to their mother's care in the future.

# Case service plan requirement

When Guardianship Assistance is requested, the following information must be included in the case service plan by the child's foster care caseworker:

- Reasons why reunification and adoption are not in the best interest of the child.
- Identification of guardianship as the permanency goal. Neither reunification or adoption should be the concurrent goal.
- Reasons why a guardianship arrangement is in the child's best interest.
- Facts that demonstrate the guardianship is intended to be permanent.
- Efforts the agency has made to discuss adoption as a more permanent alternative with the prospective guardian.
- Efforts to discuss guardianship with biological parents or reasons efforts were not made for temporary court wards.
- Special needs of the child and ability of the prospective guardian to adequately meet those needs.
- Reasons for any separation of siblings during placement.

[MCL 722.875a]



# Submitting a complete application packet

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- Obtain the most recent revisions of the required forms at [http://www.michigan.gov/dhs/0,4562,7-124-5455\\_7199\\_53619---,00.html](http://www.michigan.gov/dhs/0,4562,7-124-5455_7199_53619---,00.html)
- Review the application requirements and documentation checklist.
- Email a complete application packet to [MDHHS-AGAO-apps-and-openings@Michigan.gov](mailto:MDHHS-AGAO-apps-and-openings@Michigan.gov).
- Siblings should have separate application packets.
- Incomplete GAP application packets can only be held for seven days.



# Required forms

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- ☐ DHS 3310, Certification of Guardianship Assistance Eligibility and Request for Agreement
- ☐ DHS 2051, Caregiver's Permanency Planning Checklist. **[Should be filled out by the prospective guardian(s).]**
- ☐ Child's birth certificate
- ☐ Current USP
- ☐ Initial Foster Home Evaluation. All special investigation reports, renewal and any addenda from the past year.
- ☐ Any household member over the age of 18 should fill out their information on the CWL 1326-AH form. The criminal clearance will be completed at Central Office
- ☐ The removal order, with contrary findings
- ☐ Current DOC form with the dates and all required signatures. Documentation for the DOC level if applicable

# Required forms continued...

## TCW

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- ☐ DHS 2053, Caseworker's Permanency Planning Checklist
- ☐ DHS 591, Best Interest Determination

## MCI and PCW

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- ☐ DHS 2052, Caseworker's Permanency Planning Checklist
- ☐ DHS 2050 (requesting assistance), MCI only
- ☐ DHS 2049 (not requesting assistance), MCI only
- ☐ JC 63 Order Terminating Parental rights/Commitment to DHS **or, for voluntary releases**
- ☐ PCA 305, Release of Child by Parent
- ☐ PCA 306, Release of Child by Agency
- ☐ PCA 318, Order Terminating Parental Rights After Release or Consent
- ☐ PCA 322 Order Committing to DHHS





# Juvenile Guardianship Assistance Agreements

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MDHHS Adoption & Guardianship Assistance Office is solely responsible for determining eligibility and will make a determination within 30 calendar days of receiving a complete application.

A guardianship assistance agreement must be signed by both the prospective guardian(s) and the MDHHS Guardianship Assistance Program Manager or designee prior to the court's appointment of the guardian.

If the guardianship assistance agreement is not signed by all parties before the date of the court's appointment of the guardian, the child will not be eligible for juvenile guardianship assistance.

What happens if the agreement does not have the final signatures and the guardianship order is signed?



# GAP Ineligibility

The worker will receive a denial letter to review with the family, which will include notice of the right to request an administrative hearing.

## WHAT NEXT?

The court can appoint the guardianship without guardianship assistance.

The applicant can request an administrative hearing.

# Administrative Hearing:

## Who can request an appeal?

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### Newly submitted application:

- ONLY the applicant may submit a request for an administrative hearing.

### Pre-existing GAP agreement:

- Guardian, successor guardian, or a child\*

\*Depending on the legal circumstance this may include an LGAL or other legal representative.

[MCL 722.879]



# GAP Medicaid

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# Who is eligible for Gap Medicaid?

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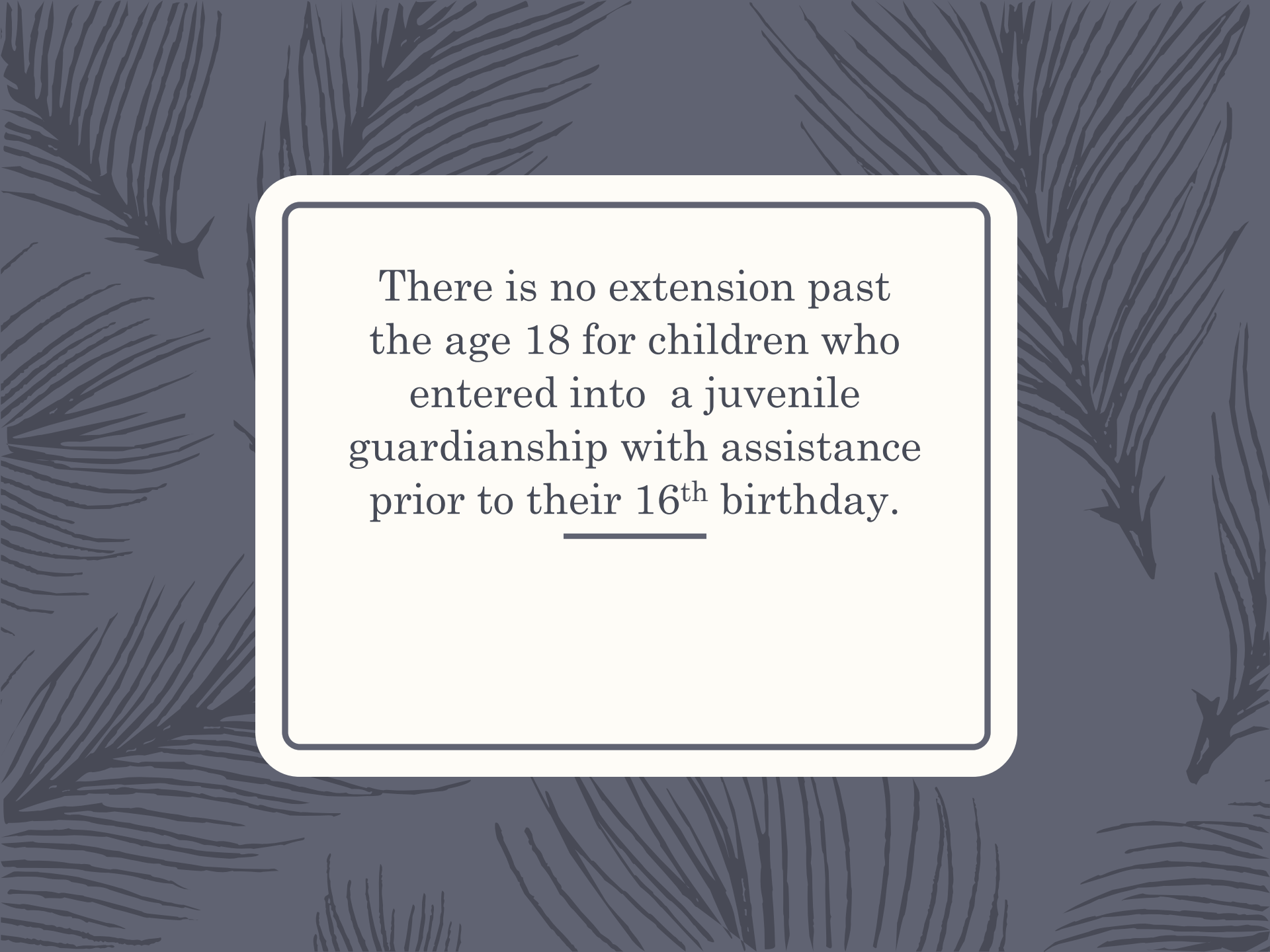
- Children who are determined eligible for title IV-E Guardianship Assistance are categorically eligible for Medicaid.
- Children who are determined eligible for state funded guardianship assistance may be eligible for Medicaid through the guardianship assistance office. A determination of Medicaid eligibility is made by the Adoption and Guardianship Assistance Office.

*-There may be some cases where the child has significant income (above 150% of poverty level) from sources other than guardianship assistance. The child's countable income must be considered.*

# GAP extensions after 18

- A youth may be eligible for an extension of guardianship assistance until the youth's 21<sup>st</sup> birthday if the youth satisfies **all** of the following requirements:
  - **The youth began receiving guardianship assistance at age 16 or older and is now between the ages of 18 and 20.**
  - **The original guardianship order remains in effect.**
  - The youth had a guardianship assistance agreement effective up until his/her 18<sup>th</sup> birthday.
  - Youth has signed a DHS-1339G, Young Adult Guardianship Assistance Extension Application.
  - Youth is actively completing high school or program leading to a GED, OR enrolled at least part-time in a college, university, vocational program or trade school, OR employed at least part-time or participating in a program that promotes employment, OR incapable of the above educational or employment activities due to a documented medical condition.



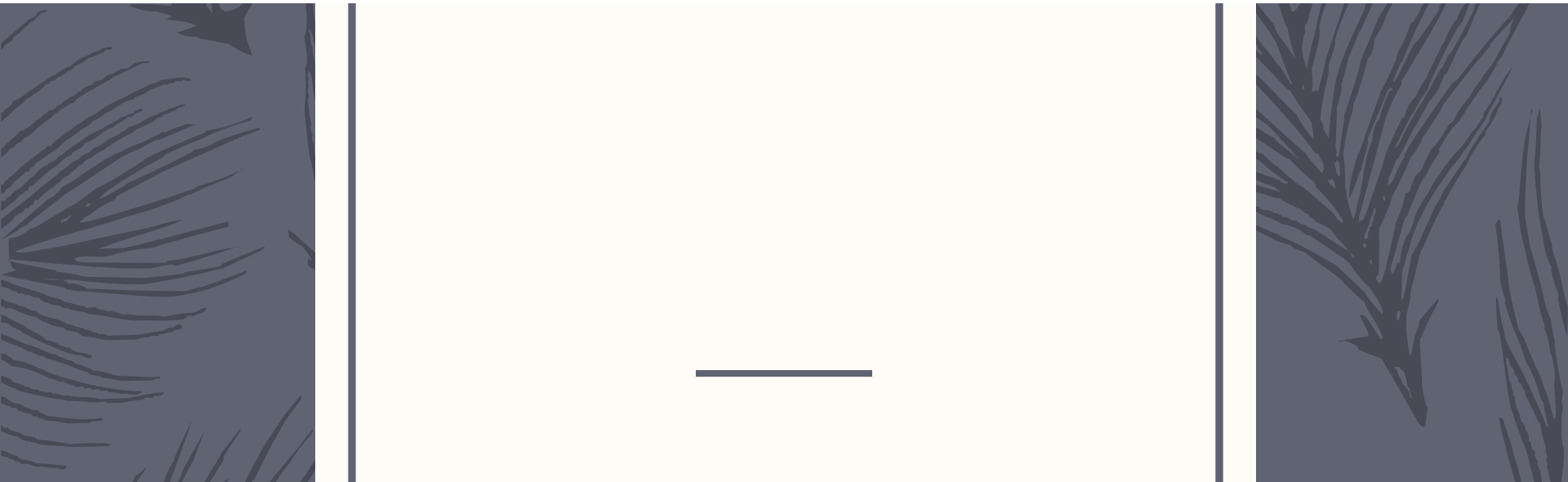


There is no extension past  
the age 18 for children who  
entered into a juvenile  
guardianship with assistance  
prior to their 16<sup>th</sup> birthday.

# Questions



# Guardianship Medical Subsidy Program



The purpose of the Medical Subsidy Program is to assist the adoptive parent(s) or Guardian(s) with payment towards services relating to a certified condition.

# Medical Subsidy Eligibility

In order to qualify for medical subsidy, a child must meet the following eligibility criteria:

- The child was in Michigan foster care (public child welfare system) at the time the petition for adoption was filed or at that time they were placed into a juvenile guardianship and had a guardianship assistance agreement in place.
- The child has a condition that existed, or the cause of which existed, before the adoption or placement into guardianship.

# Medical Subsidy

Services covered by Medical Subsidy must be necessary to treat a certified condition.

Medical Subsidy does not pay for routine medical care.

Medical Subsidy does not pay for services prior to the effective date of the agreement.

# Types of Services Covered

## Medical Subsidy

- Outpatient Counseling
- Educational Services (Speech Therapy, Physical Therapy, Occupational Therapy, Tutoring)
- Assisted Care Services (Physical Care Services & Behavioral Services)
- Temporary Out-Of-Home Placement (maximum of 16 days per year)
- Placement Outside of the Family Home
- Travel Expenses for a service that is certified
- Summer Camps that meet the need of a certified condition
- Dental Services (Orthodontic Treatment) not routine dental
- Durable Medical Equipment
- Medical Supplies and Prescriptions (Prescriptions, Glasses, Contact Lenses, and Incontinence Supplies)

The Worker applies for Medical Subsidy before the Order Appointing Juvenile Guardian



Before

Appointment of Guardian



After

The Guardian applies for Medical Subsidy (after the Order Appointing Juvenile Guardian).



Case opening

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# Case opening time frame

- After the guardianship has been appointed, the JC 91 and DHS 1344-G (opening paperwork) should be emailed to [MDHHS-AGAO-apps-and-openings@Michigan.gov](mailto:MDHHS-AGAO-apps-and-openings@Michigan.gov).
- Case opening typically takes 4 to 6 weeks from the date the Adoption and Guardianship Assistance Office receives the opening paperwork from the foster care worker.
- GAP payments are sent to the guardian once a month following case opening.
- If the guardian is having issues with their payments they can contact the Adoption & Guardianship Assistance Office directly.



# Notification of Guardianship Termination

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- When workers or the court are aware that a child was receiving guardianship assistance and that juvenile guardianship has been terminated, the Guardianship Assistance Program Office should be notified.
- The program wants to assure the assistance is utilized for the support of the children it was intended to assist.

# Recap & Questions






Additional Information can be located at  
[http://www.michigan.gov/mdhhs/0,5885,7-339-73971\\_7116\\_63826\\_11423---,00.html](http://www.michigan.gov/mdhhs/0,5885,7-339-73971_7116_63826_11423---,00.html)

For questions regarding Guardianship Assistance Program eligibility please contact Erin Setla at [setlae@Michigan.gov](mailto:setlae@Michigan.gov)

For questions regarding Guardianship Assistance Program policy please contact Laura Baldwin at [BaldwinL1@michigan.gov](mailto:BaldwinL1@michigan.gov)



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